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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 April 2002, at 10 a.m.

Chairperson:	Mr. JAKUBOWSKI	(Poland)
later:	Mr. LEWALTER (Vice-Chairperson)	(Germany)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CAMEROON

1. Mr. NGOUBEYOU (Cameroon) paid tribute to the High Commissioner's commitment to the cause of human rights and thanked her for her support for the establishment in Yaoundé of a subregional centre for human rights and democracy, which would provide important training in the areas of human rights, rule of law and democratic practices for the 11 member States of the Economic Community of Central African States (ECCAS).

2. The Commission's current session, coming two years after the Millennium Summit, provided an opportunity to evaluate the progress made, make adjustments where necessary and define the future direction of the Commission's work. The Commission had contributed to the remarkable progress made in the area of human rights protection and democratization but much remained to be done to eliminate human rights violations caused by poverty, ignorance, hunger, intolerance, environmental degradation, conflict and the negative effects of globalization. It must spare no effort to strengthen the rule of law in all countries and to promote democracy and respect for all the internationally recognized fundamental rights, including the right to development.

3. The remaining challenges, no matter how daunting, must be met with greater cooperation and solidarity on the part of the international community. Non-governmental organizations (NGOs), which made an undeniable contribution to the promotion of human rights, must respect the Commission's rules and procedures and refrain from making unfounded accusations. The real purpose of such accusations was often to criticize sovereign States unfairly without offering any remedies for the damage thus caused.

4. Poverty eradication was one of the major challenges of the new millennium and was an ethical, social, political and economic imperative. The right to health was also a basic human right. An active partnership between the international community, the United Nations, multinational pharmaceutical companies and African countries was essential if pandemics such as AIDS and malaria, which posed such a serious threat to development, were to be eradicated.

5. His Government had adopted a range of measures to strengthen the rule of law, encourage greater participation in public affairs and promote the enjoyment of human rights and fundamental freedoms, including the adoption of a programme on governance, a poverty reduction strategy statement, an action plan against corruption, the creation of a national body to monitor elections and the establishment of an ad hoc technical committee to consider ratification of the Rome Statute of the International Criminal Court.

6. He reaffirmed his Government's desire to hold a constructive dialogue wi.h the United Nations organs working in the field of human rights. The recommendations contained in the report of the Special Rapporteur on the question of torture (E/CN.4/2000/9/Add.2), following his visit to Cameroon, had been incorporated into a far-reaching national human rights

programme, which had received support from the United Nations Development Programme (UNDP) and the European Union. His Government had also adopted measures to address the problem of insecurity due to crime measures that had not always been understood in some quarters.

7. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had served to remind States of their commitments in that area and to lay the foundations for a strategy to address those issues. Its success would depend on the willingness of Governments to honour their commitments and to encourage an intercultural and inter-religious dialogue and education based on tolerance and mutual respect.

8. Measures to promote human rights had to go hand in hand with measures to end terrorism, which was threatening the enjoyment of human rights, democracy, peace and international security. The whole international community must make it clear that terrorism was unacceptable and must take concrete action to put an end to it once and for all.

9. He suggested that new provisions should be incorporated into the legal instruments relating to human rights, to take into account recent social, scientific and technological developments and that an international human rights court with general jurisdiction should be established.

STATEMENT BY THE MINISTER OF JUSTICE AND RELIGIOUS AFFAIRS OF EQUATORIAL GUINEA

10. Mr. MANGUE (Equatorial Guinea) said that, in accordance with Commission resolution 2001/22 on the situation in his country and assistance in the field of human rights, his Government was endeavouring to incorporate international instruments into its domestic legal framework so as to guarantee the recognition of human rights. His Government had agreed to submit for ratification the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination. It would thus be in a position to comply with its international obligations under those instruments and to accede to further treaties. The primary objective was to strengthen the rule of law through a process of political institutionalization that involved the creation, modification, abolition and improvement of national institutions.

11. In his country, the Constitution was supreme. All persons were equal before the law, and therefore all cultural communities were able to live in harmony. Efforts were being made to ensure the separation of the legislative, executive and judicial powers. Training programmes were being provided for judges and magistrates and the Organization of Justice Act was currently being amended. A bill creating a supreme council of justice, to be responsible for recruiting judicial personnel and taking disciplinary steps against those breaking the code of professional ethics, was being considered in Parliament.

12. The Government was taking steps to prevent arbitrary conduct on the part of the authorities and to combat impunity. It was determined to protect fundamental rights and freedoms and to comply with its obligations under the International Covenants on Human Rights, to which Equatorial Guinea was a party.

13. Citizens enjoyed effective protection of first generation rights, i.e. civil and political rights. In 2001, his Government had approved various bills, including one to prohibit the imprisonment of women for non-refund of a dowry and one enabling citizens to leave the country without an exit visa.

14. Courts had been established to monitor illegal detentions and to authorize arrests. Civilian and military authorities had been instructed that they were not to hold anyone in custody for over 72 hours. The Government was taking steps to improve conditions in prisons and detention centres throughout the country. For example, the Government Procurator's Office had been given the authority to visit prisons to investigate cases of torture, with the assistance of medical personnel of the National Red Cross Society. Efforts were being made to encourage the social rehabilitation of prisoners.

15. An inter-ministerial human rights commission had been established, chaired by the Prime Minister, to take action against human rights violators. It represented a channel of communication with the United Nations Commission on Human Rights.

16. The Government had tightened control of the country's borders in an attempt to discourage illegal immigration, the entry of individuals or items that might cause a disturbance, drug trafficking and trafficking in children.

17. Efforts had also been made to improve the Government's relationship with the Commission's Special Representative to monitor the situation of human rights in Equatorial Guinea, who had been given access to all areas and had been invited to revisit the country.

18. His Government welcomed the proliferation of the independent written press. In addition, citizens had unrestricted access to international television and radio.

19. In 2001, the Government and all the democratic opposition parties had held a constructive dialogue aimed at accelerating the democratization process. As a result, a document had been signed by all parties containing commitments to maintain the basic legal order and to create a favourable political, social and economic environment for the forthcoming presidential elections. Over the course of the year, most political parties had received State funding to hold their congresses.

20. Civil society was playing an increasingly influential role within the State : Equatorial Guinea had over 70 NGOs.

21. With regard to second generation human rights, i.e. economic, social and cultural rights, he said that all children at primary school level received free schooling in State schools. Private schools received subsidies from the Government. About 79 per cent of all children received a primary education. The Government also paid 90 per cent of the fees for secondary education.

22. Equal opportunities in the workplace were guaranteed. The development of the oil economy had caused a significant flight from the land, a return of emigrants and an unprecedented new immigration. The Government's active job creation policy had provided jobs for nationals and legal immigrants.

23. Steps had been taken to decentralize the health system. Each township had a health centre or post, and there were hospitals at the district, provincial and regional levels. Women, children and other vulnerable groups received priority care, including free vaccinations. Government information was available on the prevention of AIDS, malaria and other diseases.

24. As for third generation rights, he stressed that his Government promoted the right to peace and development and was in favour of environmental protection, all of which required bilateral or multilateral cooperation. His country was at peace, something that was lacking in so many other countries. He urged the Commission to provide the technical assistance his Government needed to promote still further human rights in its country.

STATEMENT BY THE SECRETARY-GENERAL OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE

25. Mr. BELKEZIZ (Organization of the Islamic Conference (OIC)) said that a recent symposium held in Geneva on human rights in Islam had demonstrated the importance the OIC attached to the question of human rights from an Islamic perspective. Human rights constituted one of the pillars on which Islam was built, although that fact was unfortunately not universally recognized. The Islamic concept of human rights focused on establishing the right to human dignity, which extended not only to political rights but also to moral and ethical considerations. Despite OIC efforts to clarify the position of Islam on human rights, false and prejudiced allegations, propagated by the media and other sources, continued to accuse Islam of intolerance, violence and denial of human rights. He appreciated, therefore, the efforts of the High Commissioner for Human rights aimed at enlightening people about the facts behind Islam and her condemnation of Islamophobia.

26. The OIC condemned terrorism in all its forms. The events of 11 September 2001 had represented a great setback for human rights at both the local and international levels. The distortion of the meaning of such events and the deliberate misinterpretation of the causes, as well as the attribution of responsibility for the crimes, perpetrated by a small minority suspected of being Muslim extremists, to all Muslims had had a great impact on fostering hatred of Muslims. Many Muslims had been killed or abused and their places of worship, cultural centres and homes attacked, even in some cases institutions within Islamic States. Arabs had also been targeted. Such hate campaigns had had a negative impact on the laws that guaranteed public freedoms.

27. He urged the Commission to work in earnest to redress that situation. The use of double standards and discriminatory, racist and prejudiced practices against a quarter of the world population could not be in the interest of humankind and its future prosperity.

28. Israel continued to occupy Palestinian territory and to deny Palestinians their inalienable right to self-determination. In that connection, he drew attention to the decision of the recent Conference of High Contracting Parties to the Fourth Geneva Convention, which confirmed that the occupying forces had been involved in grave breaches of human rights and humanitarian international law, involving the use of excessive force, the arbitrary killing and torture of civilians, unlawful deportation, the denial of access to a fair trial and the excessive destruction and appropriation of property. Neutral observers should be dispatched to monitor violations of the Convention in those territories.

29. The OIC welcomed Security Council resolution 1397 (2002) calling for the establishment of two States within secure and recognized borders, and hoped that it would be translated into concrete action and that the Commission would exercise its official and moral responsibility to give the Palestinian people their right to self-determination and their right to return to their territories. It supported the initiative of the High Commissioner for Human Rights to head a visiting mission to the occupied territories and welcomed the decision by President Bush to call for Israeli withdrawal. The OIC condemned any attempts to characterize the Palestinian struggle as terrorist.

30. The situation in Jammu and Kashmir had deteriorated in recent months to such an extent that India and Pakistan were on the brink of a nuclear war. Efforts needed to be combined if that grave situation were to be resolved. India had refused to accept the rights of the people living in those areas to self-determination, and that had been the cause of many acts of violence and counter-violence. The OIC took the view that the people of Kashmir had the right to self-determination and that the relevant Security Council resolution should be implemented through negotiations between India and Pakistan. India's position as one of the most important democratic States in the world would be strengthened thereby.

31. One of the main concerns of the OIC was the preservation of the religious and cultural identity of Muslim communities around the world. It was thus following with concern the tragic humanitarian plight of the Chechen people. Muslims in many countries were being subjected to unacceptable humanitarian conditions and millions had been forced from their homes. He urged the Commission to address those humanitarian situations and to encourage solutions that would secure the return of refugees to their homes after the resolution of the political problems that had led to their displacement.

32. Many Muslims were also suffering as a result of unjust blockades and sanctions. In Iraq, for example, thousands of children and patients were dying every day as a result of the shortage of medicines and medical care. He also hoped that a satisfactory solution would be found to the question of the missing Kuwaitis.

33. His organization shared the view of the High Commissioner for Human Rights on the need to link the full implementation of the Plan of Action of the United Nations Year on Dialogue among Civilizations with the Plan of Action of the Durban Conference.

STATEMENT BY THE MINISTER OF JUSTICE OF THE CENTRAL AFRICAN REPUBLIC

34. Mr. METEFARA (Central African Republic) said that human rights were an essential component of international relations and their respect had become a necessity for guaranteeing the collective peace and security required for harmonious development. Consequently, since the political and military upheavals of 1996 and 1997, his country's authorities had given pride of place to human rights matters and had established a National Human Rights Commission attached to the Prime Minister's office.

35. Since 2001, significant efforts had been made to provide human rights training in a variety of socio-professional categories. Although modest, such initiatives deserved to be consolidated in the future together with other actions such as the ratification of international human rights instruments, the submission of periodic reports to the various committees created under such instruments and the adoption of a national plan for the promotion and protection of human rights.

36. Although the impact of human rights on the lives of the people of his country was slow in taking effect, it was significant and offered hope for the future. He wished to thank all the international NGOs working in the sphere of human rights which had recently visited his country for their support and hoped that the assistance given them by the authorities was proof of his country's desire to cooperate with all such institutions.

37. Nevertheless, he reserved the right to make clarifications regarding certain accusations levelled against his country. Over the years, a number of serious socio-economic crises, mutinies by the army and attempted coups d'état had caused a serious deterioration in the economic condition of the people and increased the risk of violations of human rights, a fact which any interpretation of the situation in his country needed to take into account.

38. The proliferation of weapons resulting from the extreme porosity of the country's borders and the various mutinies had had disastrous consequences for the life of the people. To combat the abuse of weapons more effectively, his Government had adopted a series of measures and was also working with international institutions to promote a policy of disarmament. However, there were serious financial difficulties in implementing the disarmament policies, particularly with regard to the demobilization of soldiers and their reintegration into civilian life.

39. A tripartite commission had been set up to organize the return of displaced persons and refugees. To date, a large number of civilians had returned to the country, although the majority of military refugees still had some reservations, despite the authorities' repeated pledges that their safety would be guaranteed.

40. Detention was another issue which was still of major concern to his Government. Following visits by the African Commission on Human and Peoples' Rights Special Rapporteur on prisons and detention conditions in Africa, the Ngaragba detention centre was being renovated to relieve the situation in the police and gendarmerie stations and currently accommodating detainees. To be able to continue the programme, which was currently experiencing financial difficulties, his country needed assistance from the international community.

41. The Government and people of the Central African Republic wished to express their gratitude to the United Nations Peace-building Support Office in the Central African Republic (BONUCA) for the many types of support it continued to offer to national efforts to protect human rights. He thus welcomed the recent Security Council resolution that BONUCA, particularly its human rights component, should be reinforced. There was ample opportunity for building a constructive partnership between his country and the international community in order to consolidate the rule of law and further improve the human rights situation there.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

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(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (E/CN.4/2002/72 and Add.1-3, 73 and Add.1, 74 and Add.1 and Corr.1, 76 and Add.1, 77 and Add.1 and 2, and 137)

42. Ms. JAHANJIR (Special Rapporteur on extrajudicial, summary or arbitrary executions) introducing her report (E/CN.4/2002/74 and Add.1 and Corr.1) said she regretted that the time constraints imposed on the Commission did not allow her to make a full oral presentation and expressed the hope that the current situation would not set a precedent. She asked the Secretariat to distribute the oral statement she had prepared to the members of the Commission.

43. Mr. Lewalter (Germany), Vice-Chairperson, took the Chair.

44. Mr. ISCAN (Observer for Turkey) said he was pleased to note that the Special Rapporteur had recognized the cooperation extended to her by his Government, which would continue to cooperate closely with all the United Nations human rights mechanisms despite a single negative experience. The reports produced by those mechanisms were always analysed carefully with a view to improving human rights protection in his country as well as correcting inaccuracies and misperceptions.

45. Extrajudicial, summary or arbitrary executions were not condoned under the Turkish legal system; the Constitution guaranteed the right to life although there were provisions for exceptional circumstances which were generally in conformity with those of the European Convention on Human Rights. Deaths which occurred in such circumstances could not be

regarded as extrajudicial or arbitrary executions, although problems could certainly arise in practice. Any abuses were vigorously prosecuted although lack of evidence sometimes led to acquittals. Turkish law did not extend a measure of impunity for the excessive use of force, and it was unfair to say that that impunity had created an atmosphere of fear among the population and undermined its trust in the law-enforcement authorities. He noted, however, that the Special Rapporteur had recognized that what she referred to as extrajudicial or arbitrary executions had virtually come to an end or been dramatically reduced.

46. The report did not take into account the constitutional amendments adopted by the National Assembly in October 2001, which had revised almost one fifth of the Constitution, significantly improving human rights standards. Furthermore, the Turkish Parliament had just ratified the International Convention on the Elimination of All Forms of Racial Discrimination and ratification of the International Covenants on Human Rights was under consideration.

47. Turkey had repeatedly proven its resolve to make progress towards achieving universal values and implementing an extensive programme of human rights, even during its long and legitimate fight against terrorism. Successive Turkish Governments had remained fully committed to amending legislation and implementing those amendments with a view to removing shortcomings and moving ahead in line with the aspirations of their people and in compliance with their international obligations.

48. Mr. CUMARASWAMY (Special Rapporteur on the independence of judges and lawyers), introducing his report (E/CN.4/2002/72 and Add.1-3), said that time constraints prevented him from making an oral statement and he hoped that the current situation would not set a precedent. He asked the Secretariat to circulate his statement to the members of the Commission.

49. Mr. HERNANDEZ BASAVE (Mexico), having emphasized that time constraints must not be allowed to prevent a constructive dialogue between the members of the Commission, the special rapporteurs and NGOs, said that his Government, which recognized the importance of an effective and independent judicial system for democracy and the rule in law, was endeavouring, in cooperation with the judiciary and civil society, to make headway in that area. During his visit in May 2001, the Special Rapporteur had visited the Federal District and the States of Chihuahua and Nayarit and had met representatives of the Government, the judiciary, civil society and lawyers. The Special Rapporteur had recognized the effort being made by the Government and the judiciary to promote an independent and impartial system of justice and to combat impunity, increase the confidence of the people in the justice system and harmonize domestic legislation with international standards.

50. The report (E/CN.4/2002/72/Add.1) was being distributed to federal and State authorities, law associations and civil society organizations with a view to establishing a dialogue on the action to be taken with regard to the recommendations made therein, which would certainly help to improve the administration of justice. Judicial institutions were being modernized and provided with additional training and efforts were being made to increase the confidence of the people.

51. The report would also be a valuable addition to efforts undertaken within the framework of the second phase of the technical cooperation programme with the Office of the High Commissioner for Human Rights (OHCHR), which included an evaluation of the current situation undertaken in cooperation with civil society as well as a national human rights programme. His Government would continue to cooperate fully with the Special Rapporteur and ensure an adequate follow-up to his recommendations.

52. Ms. RODRIGUEZ MANCIA (Guatemala) said she regretted that time constraints did not permit a real dialogue with the Special Rapporteur. Her Government and her country's judiciary would make every effort to implement his recommendations. In that connection, she recalled that the President of the Supreme Court had recently thanked the Commission for its efforts to assist in the modernization of the Guatemalan judicial system and meet the needs of Guatemalans. Special attention had been paid to the relevant provisions of the peace agreements, reports by the Special Rapporteur, studies by the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and NGOs.

53. As a result, the capacity of the judicial system had been tripled and favouritism and subjectivity in the appointment of judges and judicial staff had been eliminated. Candidates were recruited through a transparent competitive exam based on merit and were regularly evaluated. Efforts would continue to establish a State based on the rule of law, with the full support of the judiciary and the Supreme Court.

54. Mr. van BOVEN (Special Rapporteur on the question of torture), introducing his report (E/CN.4/2002/76 and Add.1 and E/CN.4/2002/137), said he regretted that time constraints had prevented him from making his oral statement which, he requested, would be distributed to the members of the Commission. He paid tribute to the work of his predecessor, Sir Nigel Rodley, and to the outstanding commitment of the High Commissioner to the cause of human rights.

55. Mr. AMOR (Special Rapporteur on freedom of religion or belief) introducing his report (E/CN.4/2002/73 and Add.1) said he regretted that time constraints had prevented him from making his oral presentation, which, he requested, would be distributed to the members of the Commission. He also regretted that only one of the documents that he had wished to submit had been translated and was ready for distribution on time.

56. Ms. NASCIMBENE DE DUMONT (Argentina) thanked the Special Rapporteur for recognizing the generally positive situation in Argentina, particularly in the context of the aftermath of 11 September 2001, and the exemplary attitude of the representatives of the Christian and Muslim Arab communities. International standards in respect of freedom of religion or belief had been clearly enshrined in domestic legislation. The report noted that the representatives of virtually all denominations had emphasized that they were free to exercise their religion. The tiny minorities which wished to eliminate religion from public life seemed to be bent on denying even the right to freedom of religion, which was unacceptable.

57. She expressed surprise that the report should have referred to alleged discrimination against women as a result of the influence of the Catholic Church, an issue which was clearly outside the Special Rapporteur's mandate. Furthermore, with respect to official support for the

Catholic church in the Constitution, she pointed out that that support was restitution for the expropriation of property during the nineteenth century and did not signify any State support for that one church. The restitution measures had not been questioned by other churches, and all churches were equal before the law.

58. Mr. JOINET (France), Chairperson of the Working Group on Arbitrary Detention, said that his report was a mere 18 pages long and he appealed to the members of the Commission to read it or, at very least, to look at the recommendations and the summary. As it was impossible to introduce a year's work and two and a half year's negotiations leading up to his visit to Bahrain in such a short time, he would submit the report as it stood. He wished to point out, however, that two States had since submitted observations on two opinions and more detailed comments on those would be presented at the Commission's next session.

59. He was very disappointed that, having carried out a mission to Bahrain in an atmosphere of unprecedented cooperation with NGOs and with the Government of the country, the Working Group had submitted its report on 2 December 2001 only to find, four months later, that it was still not available in English. He offered his apologies to the representative of Bahrain, thanked him for his Government's cooperation and hoped that he would soon be able to read the report in English.

60. His appearance on behalf of the Working Group at the current session would be his last, as his mandate would end in 2002. The main lesson he had learned from his mandate was that many States had found, with hindsight, that it was better to run the risk of being criticized while cooperating rather than be criticized for not cooperating at all.

61. Mr. AL-FAIHANI (Bahrain), having endorsed the comments by the Chairperson of the Working Group on Arbitrary Detention regarding the lack of availability of the report in English and thanked him for his comments, said that the visit, during which the Working Group had received the full cooperation of his Government and access to all prisons, had been a great success. The members of the Working Group had been able to meet and talk to all those responsible for prisons in Bahrain and had received all the necessary information on penal procedure, the role of lawyers and the administration of justice, all of which was clear evidence that Bahrain was prepared to cooperate fully with human rights mechanisms. The visit had shown that standards of treatment in detention were very high, proving that Bahrain showed great respect for human rights. Bahrain had been faithful to its obligations and had endeavoured to reform its legislation as recommended. NGOs working in the field of human rights in the country also played a very important role, especially in connection with attempts to modernize legislation.

62. His delegation, which was aware of the Working Group's recommendations, wished to point out that the Constitution had been amended, that national and local elections were being held and that legislation was being reviewed to bring it into line with international commitments. He expressed his thanks to the members of the Working Group for their cooperation.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2002/3, 4, 9, 10, 33-40, 41 and Add.1, 42-49, 124 and 144)

63. Mr. GIZAW (Observer for Ethiopia) said that his country had been cooperating fully with the United Nations Mission in Ethiopia and Eritrea (UNMEE) and had signed the Status of Force Agreement (SOFA). Eritrea, on the other hand, had so far refused to sign the SOFA and had continued to restrict the movement of UNMEE, as evidenced by the recent report of the Secretary-General to the Security Council.

64. To date, Ethiopia had demobilized over 64,000 troops whereas Eritrea continued to recruit new conscripts and had refused to inform UNMEE of the size of its militia and police in the demilitarized buffer zone between the two armies. With regard to the exchange of prisoners of war, some progress had been made but the complete repatriation programme had been halted because of the Eritrean attitude and behaviour towards the Ethiopian prisoners of war.

65. The Government of Eritrea was intimidating Ethiopians into leaving the country and had shut down all businesses belonging to Ethiopians in Asmara, and elsewhere in the country, in blatant disregard of article 2 (3) of the Algiers Peace Agreement. Eritrea's aggression against Ethiopia was genocide, a crime against humanity, and he appealed to the Commission to call upon Eritrea to stop violating the human rights of Ethiopians and to observe the Algiers Agreement.

66. Mr. TEKLE (Observer for Eritrea) said that his Government would faithfully implement the decisions of the Border Commission that were to be announced on 13 April 2002. However, the Ethiopian regime continued to deport Eritreans and Ethiopians of Eritrean origin, to hold Eritrean prisoners of war in violation of the Peace Agreement, to detain civilians in concentration camps (even though Eritrea had released all Ethiopian civilian detainees), to deprive Eritreans and Ethiopians of Eritrean origin of their jobs, licences, businesses and access to services such as health care and education, to confiscate their property, to deny them freedom of movement and to force them to carry different identity cards.

67. He invited the Observer for Ethiopia and the members of the Commission to read third-party reports on the matter which would make it clear whose version of the events was closest to the truth.

68. Mrs. WESCHLER (Human Rights Watch), said that, having rejected Commission resolution 2001/24 on the situation in Chechnya, Russia had continued to commit violations of human rights and humanitarian law against civilians there. Efforts to investigate and prosecute the perpetrators of such crimes were deeply flawed. She therefore urged the Commission to adopt a resolution on the Chechnya conflict calling on the Russian Government to engage in a meaningful accountability process and to grant full access to Chechnya to all relevant United Nations human rights mechanisms.

69. Freedom of expression and association remained restricted in China and the leaders of protests continued to be detained. Academics had been arrested, newspapers closed and a new regulation made it a capital crime to send secret or "reactionary" material over the Internet. The "Strike Hard" anti-crime campaign launched in April 2001 had led to the arbitrary arrest and summary execution of thousands of alleged "separatists", "terrorists" and "religious extremists". Practitioners of Falun Gong were still being imprisoned and tortured and Uighur Muslims and Tibetan Buddhists had also been the targets of serious abuse.

70. She urged the Commission to condemn the serious and systematic violations of human rights in China and to call upon China to take significant steps to respect internationally recognized human rights in accordance with its commitments under the International Covenants on Human Rights.

71. Ms. BOWDEN (Liberation) said that her organization opposed new military operations against Iraq by the United States of America, which would inevitably inflict further suffering on the country's population. Sanctions should be restricted to the supply of arms and military equipment. The problems of the Gulf region should be a matter for the United Nations, not for unilateral military action by any outside Power. Similarly, the economic sanctions imposed on Cuba by the United States had adverse effects on the civilian population. Her organization therefore supported the lifting of such sanctions, while maintaining non-economic sanctions.

72. The conflict between security forces, paramilitaries and opposition groups in Colombia had resulted in a plethora of human rights violations, including forced disappearances, arbitrary detentions and displacement of people.

73. She was also concerned about minority groups in Bangladesh. Following the general election in October 2001, members of the Hindu, Buddhist and Christian minorities had allegedly been attacked. The incidents had yet to be investigated by the Government.

74. She urged the Commission to adopt a resolution condemning human rights violations committed by Indonesian security forces in Aceh and West Papua, Maluku and central Sulawesi, and urged the Indonesian Government to pursue a dialogue with local representatives in order to end the conflict in those territories.

75. Mr. MIOT (International Federation of Rural Catholic Adult Movements) said that the right to water was as important as the rights to adequate food or housing, both in itself and as an essential element of the right to health and the right to development. The Commission should address the question urgently. The World Water Forum, held at The Hague in 2000, had failed to characterize water as a fundamental human right, since to have done so would have obliged States to accept various restrictions and commitments.

76. Intensive, industrialized agriculture used vast quantities of water, eliminated small producers and destroyed the balance of nature. The organizations making up his Federation preferred sustainable peasant agriculture which used water in a reasonable way.

77. Water was a precious and essential resource which must not be classed as a commodity controlled by a few people and subject to market fluctuations. Thus it could not come under the control of the World Trade Organization (WTO). The Commission should treat the issue with the importance it deserved and authorize the Sub-Commission expert to continue his study on the right of access to drinking water for every human being.

78. Ms. WITHERS (Amnesty International) said that the human rights situation in Indonesia remained serious. Although the Commission had called for the trial of perpetrators of crimes against humanity in East Timor, it had failed to recognize that grave human rights violations were still being committed elsewhere by the very same State institutions, notably in Papua and Aceh. The trials of people charged with serious crimes in East Timor must, however, meet international standards of fairness.

79. Russian and Chechen forces continued to commit serious abuses of international human rights and humanitarian law. Violations by Russian forces included extrajudicial executions, torture and enforced disappearances. The Russian authorities had failed adequately to investigate such violations. Across Russia, torture and ill-treatment by police and appalling prison conditions still existed and the authorities failed to protect women from violence. The Commission should adopt a resolution condemning such violations and establish an international commission of inquiry.

80. Her organization continued to be deeply concerned that flaws in the criminal justice system in Saudi Arabia resulted in serious and systematic violations of human rights, including torture and ill-treatment in prisons and police stations. The previous year there had been 79 executions in Saudi Arabia following unfair trials. The Commission should adopt a resolution deploring such grave human rights violations and call for the undertakings given by the representative of Saudi Arabia at its fifty-sixth session to be put into immediate effect.

81. In Zimbabwe, the continuing violence by militia groups against perceived supporters of the opposition was a matter of grave concern. The Commission should urge the Government of that country to take immediate steps to prevent militias intimidating and attacking opposition activists, farm workers, farmers and others and to issue a standing invitation to all special rapporteurs.

82. Ms. COOMBER (South Asia Human Rights Documentation Centre) said that the representative of India had stated that the necessary safeguards were built into the provisions of the Prevention of Terrorism Act to ensure that it could not be misused. That was not correct; the Act was a draconian one. In the first place, there was to be no review of its provisions for three years. Secondly, it could also be applied to cases of murder, robbery, theft and other crimes that would ordinarily be covered by the Penal Code. Thirdly, it criminalized harbouring or concealing a terrorist but gave no indication of who was entitled to designate someone a terrorist. Fourthly, it provided for mandatory minimum sentences, with little discretion left to the judge. Fifthly, it did not require the Government to furnish evidence when declaring a "terrorist

organization". Sixthly, failure to disprove allegations of membership of such an organization could result in 10 years' imprisonment, thus violating internationally accepted standards on the presumption of innocence. Lastly, special courts, with the discretion to hold trials in non-public places, such as prisons, and to withhold records from public scrutiny, jeopardized the independence of the judiciary.

83. The Act also provided for pre-trial police detention for up to 180 days, without any requirement to inform the accused of the reason for the arrest. Action taken by the authorities "in good faith" was protected and blanket immunity was given to any serving member or retired member of the armed forces or other paramilitary forces. In short, the Act failed to offer the most basic safeguards for a fair trial and due process of law.

84. Mr. ANTHONY (World Organization Against Torture) said that the situation in Chechnya had become even worse since the terrorist attacks in the United States on 11 September 2001. There was an alarming increase in systematic abuses of the civilian population, much of them committed by Russian security forces. Harsh detention conditions had reportedly led to a large number of deaths in detention and there had been over 2,000 enforced disappearances, in connection with which mutilated bodies had been recovered from mass graves. Such human rights violations were accompanied by a climate of total impunity resulting from the blatantly inadequate response of the Russian authorities. The Commission should adopt a resolution establishing an international commission of inquiry and the Russian Federation should issue invitations to the relevant thematic mechanisms.

85. In the Democratic Republic of the Congo, there had been massive human rights violations on the part of both the Government and the rebel forces, some of which were supported by Rwanda and others by Uganda, in spite of the Lusaka Ceasefire Agreement in 1999. His Organization called on all parties to comply with the terms of the Agreement, to launch immediate investigations into all human rights abuses, to bring the perpetrators to justice and to cooperate fully with the new Special Rapporteur on the country and the thematic mechanisms. The Commission should increase the number of international monitors to assist in that process.

86. Despite long-standing requests for visits by the Special Rappporteurs on extrajudicial, summary or arbitrary executions and on the question of torture, as well as by the Working Group on Enforced or Involuntary Disappearances, Algeria had not, so far, extended invitations to any of those mechanisms. None of the massive and systematic human rights violations that had occurred over the past 10 years had been the subject of an impartial and exhaustive investigation. As a member of the Commission, Algeria had a duty to respect its obligations under international human rights law.

Statements in exercise of the right of reply

87. Mr. NAJOFOV (Observer for Azerbaijan) said that his delegation denied the allegation by the representative of Spain, speaking on behalf of the European Union, that there were political prisoners in his country. No one had ever been imprisoned in Azerbaijan for political or

personal beliefs. His Government had acceded to all international human rights instruments and had received human rights assistance from the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. The death penalty had not been applied since 1998 and pardons had been issued to 75 convicted persons over the last year. His Government took its human rights commitments extremely seriously.

88. Mr. PRASAD (India) said that, in the statement by the representative of Pakistan the previous day, there had been a number of baseless comments. A country where elected representatives had been driven from office by a succession of military dictators was not in a position to give others lessons in democracy. He drew attention to a recent article in The Economist, which had described the "tricks" used by General Musharraf to ensure victory in the forthcoming referendum, such as a slush fund for mayors who supported the General, the whole process being overseen by a committee of senior military intelligence personnel.

89. The representative of Pakistan had also sought to gloss over his country's involvement in terrorism in Jammu and Kashmir. The truth was that terrorism, abetted and sponsored by Pakistan, was not limited to that State but extended to all parts of India. In an article, in the Wall Street Journal, the editor of a Pakistani newspaper who had fled to the United States had stated that Pakistan's Directorate for Inter-Services Intelligence had been directly linked with the dastardly terrorist attack on the Indian Parliament in December 2001.

90. Ms. NAVARRO (Observer for Nicaragua), replying to the allegation by the representative of Cuba regarding corruption in her country, said that no Government was perfect and an investigation into corruption under the previous Government was currently in progress. She wondered whether such an investigation would be possible in Cuba. The media were openly covering and participating in the investigation. That, too, was not possible in Cuba.

91. In Nicaragua, the people could express their will through the ballot box, as they had done four months previously, when 94 per cent of the population had voted in transparent, multiparty elections overseen by the international community. That was not an option available to the Cuban people.

92. The representative of Cuba had also called Nicaragua the lackey of another State. It was undoubtedly difficult for Cuba, which had been the lackey of the Soviet Union for 30 years, to understand that a Government could act out of conviction and not servility.

93. The Cuban delegation was attempting to use the same tactics of intimidation against her country, her region and, indeed, the world as it did against its own citizens. Moreover, it had attempted to transfer its own revolution to Nicaragua, participating in a civil war that had cost the lives of vast numbers of Nicaraguans.

94. She would not deign to respond to the personal attack on herself; she was speaking not for herself but for a whole host of human rights activists, four of whom she named, who had been beaten, abused or sentenced to imprisonment merely for seeking political change. As the representative of a free country, she refused to be intimidated.

95. Ms. GLOVER (United Kingdom), having expressed her delegation's appreciation of the very positive comments contained in the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2002/72) regarding the significant improvements in police practices in Northern Ireland, said that the closure of the final holding centre and the introduction of video and audio recording of police interviews, for example, demonstrated her Government's commitment to improvements in the area of human rights.

96. Her delegation noted the Special Rapporteur's concern regarding the brutal murders of Patrick Finucane and Rosemary Nelson, which her Government unreservedly condemned. It was determined that the truth should emerge concerning those murders and the associated allegations of collusion with the security forces in Northern Ireland. It remained committed to the agreement with the Irish Government to appoint an independent international judge to investigate certain cases of concern, including those of Finucane and Nelson.

97. The methodology would be for the judge himself to determine. Should he recommend public inquiries into any of the cases, the relevant Government would implement that recommendation. Her Government was currently working with the Irish Government to identify a suitable candidate for the appointment.

98. Mr. LEVY (Observer for Israel) said that, as testified to by the Secretary-General and the Security Council, Israel had withdrawn fully from Lebanon on 24 May 2000, in compliance with Security Council resolution 425 (1978), whereas Lebanon had yet to fulfil its obligation to ensure the return of its effective authority in the area. The Hezbollah, one of the cruellest international terrorist organizations, had been operating freely in southern Lebanon for over 50 years. In October 2000, it had kidnapped three Israeli soldiers whom it had been holding hostage on Lebanese soil ever since. It was also holding a kidnapped Israeli civilian.

99. Two grave incidents had taken place recently, in one of which terrorists had opened fire on Israeli vehicles, killing six Israelis and wounding seven others. On another occasion, Hezbollah terrorists had fired anti-tank rockets and missiles at Israeli targets for five consecutive days, wounding an Israeli soldier.

100. Most recently, on 4 April 2002, Hezbollah terrorists had assaulted soldiers of the United Nations Interim Force in Lebanon (UNIFIL), wounding six of them. The Secretary-General, who had strongly condemned the attack, had repeatedly drawn attention to the flagrant violations of the blue line routinely committed by the Hezbollah terrorists and to the need for the Government of Lebanon to fulfil its responsibilities. Until that Government asserted its authority over the renegade groups in southern Lebanon, Israel had the right to defend itself. Southern Lebanon had served as a breeding ground for terrorist activities for many years. Large quantities of mines, booby traps and other devices had been laid by terrorist groups. The maps of the minefields laid by Israel in southern Lebanon had duly, together with other relevant information, been handed over to UNIFIL.

101. Ms. BETTON (Observer for Jamaica) said that her delegation was aware of the important role of the United Nations human rights machinery. The credibility of the machinery, however, and its effectiveness in promoting change depended on the balance, accuracy, judiciousness and fairness with which it was deployed.

102. Her Government had responded as promptly and comprehensively as resources and circumstances would allow to requests for information by special rapporteurs. In the case of the Special Rapporteur on extrajudicial, summary or arbitrary execution, however, her delegation could not correlate some of the cases referred to in her report (E/CN.4/2002/74) with the communications received from her. Particularly surprising was the reference to 16 cases of "violations of the right to life of persons exercising their right to freedom of opinion and expression", contained in paragraph 57: Jamaica had a rich tradition of vigorous and open public discussion, reinforced by unfettered media. The only relevant communication from the Special Rapporteur that her delegation had been able to find related to an anonymous threat, conveyed by letter, against the life of a human rights activist.

103. Paragraph 42 referred to 16 prisoners reportedly killed by other inmates in 1997 at two penitentiaries in Jamaica. That tragic incident, which was also mentioned in paragraph 64, had occurred during an unauthorized withdrawal of services by prison warders engaged in industrial action. There was no evidence of prior knowledge of the attacks and, a month after the incident, the Government had established a Board of Inquiry, which had heard evidence from 49 deponents and submitted recommendations to improve staff and inmate management. Those recommendations were being implemented.

104. A similar Commission of Inquiry had been established to determine the facts pertaining to the incident referred to in paragraph 31, in which a number of people had been killed or wounded during operations by the security forces. Her Government was fully cognizant of its obligation to ensure public confidence in the security forces. Information previously conveyed to the Special Rapporteur on the question of torture had subsequently been provided also to the Special Rapporteur on extrajudicial, summary or arbitrary executions.

105. Mr. MUTALE (Zambia) said that he wondered what human rights situation the European Union was alluding to in its spokesman's statement of 2 April 2002, following the electoral process in Zambia. The matter in question was before the courts, which indicated that there was transparency in Zambia and that no one had been denied their rights or discriminated against. The hope expressed by the European Union that the courts would be allowed to act with independence and in accordance with the law insinuated that the courts were not independent and would rule against the opposition. If that were so, the petitions by the opposition would not have been entertained by the Government in the first place, nor would the petitioners themselves have engaged in what would have been a useless exercise. The European Union should give credit where credit was due, instead of finding fault on no good grounds.

106. Indeed, its own credibility was in question when it condemned situations in Africa and Asia without comprehending the issues at stake. It should adopt a more positive attitude towards developing countries in which genuine efforts at democratization were clearly being made. Problems associated with the electoral process on the African continent would persist as long as poverty and weak institutions lasted. The family of nations should be more proactive and constructive in its quest for democracy and good governance. Since the European Union was concerned about problems that arose from poverty, it should invest substantially in poverty reduction strategies and institutional strengthening in Africa.

107. As for the question of torture, he wished to inform the Commission that, in 1994, his Government had embarked on the rehabilitation of its prisons and detention centres and adopted a Police Reform Programme whose mission statement pledged respect for individual human rights and fundamental freedoms. That had led to the establishment of a Custody Officer in every police station. The Government would take one step at a time, in accordance with available resources. It wished to reiterate its commitment to cooperate with the Commission and to act on all warranted and constructive criticism in its quest to continue improving the human rights situation in Zambia.

The meeting rose at 1 p.m.